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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/503,506	02/14/2000	Sang-seo Lee	Q57599	6707

7590 04/23/2003

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EXAMINER

BLAIR, DOUGLAS B

ART UNIT	PAPER NUMBER
2142	11

DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/503,506	LEE, SANG-SEO
	Examiner Douglas B Blair	Art Unit 2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 12 March 2003.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 9-15 and 24-29 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-8 and 16-23 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5-8</u> .	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### *Election/Restrictions*

Applicant's election without traverse of claims 1-8 and 16-23 in Paper No. 10 is acknowledged.

Claims 9-15 and 24-29 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 10.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 2-4 and 17-19 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. On page 4, lines 8-9 of the applicant's specification the applicant mentions the use of a code that is not used in a KS5601 standard or an ASCII code table and that the code is 98H or 99H. There is no indication within the applicant's specification as to what is meant by a code being 98H or 99H. 98H and 99H are referred to on page 4, line 9, page 5 line 14, page 9, lines 20 and 24, page 10, line 20, and page 11, lines 3, 9, and 10; however none of these references provide any hint as to what 98H and 99H actually mean. Since 98H and 99H are not known to be standards that would be apparent to one of skill in the art, it would be unreasonable to believe

that one of skill would be able to implement an invention using codes being 98H and 99H based on the information provided by the applicant's specification. Furthermore the applicant's specification provides no alternative implementations for codes not used in the KS5601 standard or the ASCII code table.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5-8, 16-18 and 20-23 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 6,400,958 to Isomursu et al..

As to claim 1, Isomursu teaches a data sending protocol using a short message service (col. 5, lines 52-65), the transmission protocol comprising the steps of: (a) inserting a data connection service identifier into a user data field (col. 6, lines 29-60, the application identifier); (b) segmenting input message data into a plurality of short message data fields and inserting a segmented message data field, a field indicating the number of segmented short messages and a field indicating a current short message number, into the user data field (col. 6, lines 1-28); (c) generating a short message field using the user data field (col. 6, lines 1-28); and (d) transmitting the short message field (col. 6, lines 29-60).

As to claim 2, Isomursu teaches the data sending protocol of claim 1, wherein the step (a) uses a code for data connection service identifier which is not used in an ASCII code table (col. 6, lines 38-41).

As to claim 3, Isomursu teaches the data sending protocol of claim 1, wherein the step (a) uses a code data connection service identifier which is not used in a KS5601 standard (col. 6, lines 38-41).

As to claim 5, Isomursu teaches a data sending protocol of claim 1, further comprising a step of (e) inserting a reference number field, which indicates a number for referring to a type of data connection service employed, into a position next to the data connection service identifier in the user data field (col. 22, lines 24-55, the short message identifier.).

As to claim 6, Isomursu teaches a data sending protocol of claim 1, further comprising a step of (f) translating a delivery message and extracting an identifier requesting retransmission of data (col. 22, lines 24-55).

As to claim 7, Isomura teaches a data sending protocol of claim 6, wherein the step (f) comprises a step of extracting a field indicating a total number of short messages (col. 6, lines 1-60) and a field indicating a retransmission request short message number (col. 22, lines 24-55).

As to claims 16-18 and 20-22, they feature the same limitations as claims 1-3 and 5-7, directed to apparatus for implementing the protocol from claims 1-3 and 5-7, and are thus rejected on the same basis as claims 1-3 and 5-7.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,400,958 to Isomursu et al. in view of U.S. Patent Number 6,141,550 to Ayabe et al..

As to claim 8, Isomursu teaches the data sending protocol of claim 7, wherein the step (f) further comprises generating a short message field using the user data field and retransmitting the short message field (col. 22, lines 24-55); however Isomursu does not explicitly teach inserting a data field corresponding to the number of the short message.

Ayabe teaches the insertion of, among segmented short messages, a short message data field corresponding to the retransmission request short message number, into a user data field (col. 7, lines 8-24).

It would have been obvious to one of ordinary skill in the Communications engineering art at the time of the invention to combine the teachings of Isomursu regarding a short message service implementation with the teachings of Ayabe regarding the insertion of a data field corresponding to a retransmission request because inserting a number for retransmissions allows a receiver to determine which fields are duplicates (Ayabe, col. 7, lines 8-30).

As to claim 23, it features the same limitations as claims 7 and 8 and is thus rejected on the same basis as claims 7 and 8.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B Blair whose telephone number is 703-305-5267. The examiner can normally be reached on 8:30am-5pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Powell can be reached on 703-305-9703. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3800.

Douglas Blair  
April 21, 2003

*DBB*

  
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